REVENUE (194) Department

S. SERIES.

G.O. No. 1167

Dated the 9th June 1944

[Despatch-Abstract.]

Alienation - Land and Revenue (South Kanara) - Mangalore Taluk and Town - Kadri 'A' village - T.S.No.339/A-1-B.2. - South Indian Arya Pratinidhi Sabha - Vidya Bhodini Higher Elementary School - School Garden and playground - Sanctioned.

Back papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
MC	1457	Rev.	12.7.22				

Further papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue Department.
Subject.

Alienation - Land Revenue - (South Kanara District) - Mangalore taluk and town - Kadri 'A' village - T.S.No,339/A 1 1 South Indian Arya Pratinidhi Sabha - Vidya Bhodini High Elementary School - (School, garden and playground) - Proposals - Recommended.

Madras, Refce.No.E.728/43-5. Dated 11th May 1944.

From

T.N.S.Raghavan, Esq.,I.C.S.,
Secretary, Board of Revenue, Madras.

E.M.Gawne, Esq., C.I.E., I.C.S.,Commr. of Land Revenue.

Read the followingpapers:--

I.

Letter from the Collector of South Kanara, Ref.7544/43-B.3, dated the 13th April 1943.

Alienation - Land and Revenue - Managalore Town - Kadri 'A' village - T.S.339/A1B2 - School purposes - Manager for the time-being of Vidya Bhodini Higher Elementary School - Proposals - Resumption and re-alienation.

In G.O.No.1450,Revenue, dated 12-7-1932, communicated in B.P.Mis.2146, dated 15-7-1932, the Government sanctioned the alienation of T.S.No.339/A1B of Kadri village, Mangalore taluk, measuring 2 acres and 10018 sq.feet, in favour of the Municipal Council, Mangalore, for use as the site of a recreation ground. A portion of this plot, measuring 81 cents (35284 sq.ft) and subdivided as T.S.No.339/A1B2 has been applied for on alienation by Sri U.Gopal Nayak, Manager and Correspondent, Kadri Vidhya Bodhini Higher Elementary School, Mangalore, for school purposes. The application has been recommended by the Divisional Inspector of Schools, Coimbatore.

2. The Municipal Council, in its resolution No.39, dated 24-8-1942, by a majority of 11 against 1 received that the portion denoted as T.S. 339/A1B2 in the enclosed eye sketch be relinquished in favour of the petitioner for being used as school, garden and playground. The extent proposed to be set apart for such purposes is shown below:-

School	5,472 sq.ft.
Garden	1,200 ,,
Playground	28,612 ,,
Total	35,284 ,,

The alienee prays for two years' time for construction of a school building and 3 years' time for laying out a garden and playground.

3. Enquiry shows that the school is a recognised one and that it is at present housed in T.S.No.1580/4 of Kadri village which forms the subject matter in Board's Refce. i.572/42-S., dated 1-3-1943. It is under the management of the Arya Samaj, Mangalore, which is affiliated to the South India Arya Prathinidhi Sabha at Madras (a registered body).

4. I have inspected the land, which is uneven and full of pits and is not used as a play ground unless it can be levelled It has not been used for over 10 years by the Municipality for the purpose for which it was alienated. It is devoid of any tree-growth and improvements except a Municipal refuse-bin of an approximate value of Rs.25/-. The Municipality has been asked to remove this bin to any other unobjectionable site. The failure on the part of the Municipality to use this portion of land for recreation purposes constitutes a technical breech of conditions and the alienee has relinquished this portion in favour of the applicant. The plot may, therefore, be resumed.

5. There is absolutely no objection to alienate the

To

The Assistant Secretary

Board of Rev. & Rans &c

Respected Sir;-

I beg to submit that the leave on average pay on M.C. granted to me in Bd's Ernst K. 745/37 dated 15-7-37 expires by 5-8-37 and that I was asked to produce a certificate of fitness when I join duty. I beg to submit that I am still suffering from biliousness and burning sensation in the stomach and feeling extremely weak. I am still taking medicine and medicinal oil. In the circumstances, I humbly request that I may kindly be granted an extension of leave on average pay on medical certificate for one month from the expiry of the present leave (ie) 6.8.37. The medical certificate given by the doctor is enclosed.

I beg to remain

Respected Sir,

Your most obedient servant

N. Srinivasachary

(Clerk on leave).

plot to the applicant, as it is not required by the Municipality and as the alienation will meet the absolute needs of the applicant who has no other site in view for the purpose.

6. The subdivision fee of Re.1/- has been collected from the applicant and credited to the Government. As the alienation is for a bona-fide public and unremunerative purpose in favour of an institution which is imparting free education, market value may be waived and the land alienated in favour of the applicant as manager for the time-being of the school, free of ground rent.

7. I enclose the statements of alienation of land and land revenue, sub-division records, eye-sketch and an extract from the land register and resolution of the Municipality.

8. The applicant agrees to abide by such conditions as the alienating authority may impose. His consent statement is also enclosed.

II.

Letter from the Collector of South Kanara, Ref.7544/42 B3, dated the 30th June 1943.

Alienation - Land - Revenue - (South Kanara) - Mangalore Taluk and Town - Kadri 'A' village - T.S.No.339/A1B2 - Vidya Bodhini Higher Elementary School - Proposals.

Ref:- Board's Ref.n.728/43-1-S, dated 3-5-43.

The points raised in the Board's reference cited above are answered below:-

(1) Notice inviting objections for the alienation was published in the village on 31-5-43. Till now no objections have been received in response to it.

(2) The South India Arya Pratinidhi Sabha was registered under Act XXI of 1860. It agrees to have the alienation in its name or in the name of the Manager, Kadri Vidyabodhini Higher Elementary School.

(3) The remaining area in T.S.No.339/A1B is not being used as a playground. It may continue to be a recreation ground.

2. The copy of the resolution of the Municipal Council, Mangalore, relinquishing the area proposed to be resumed is enclosed. The extract from the proceedings of the Mangalore Municipal Council dated 24-8-42 received with the Board's reference cited above is also enclosed.

Enc.11 Extract from the proceedings of the Mangalore Muncipal Council, Mangalore dated the 17th May 1943.

x x

39. Read: letter Ref.No.7544/42-B-3, dated the 8th May 1943 from the Collector of South Kanara, enclosing an extract of Board's Ref.N.No.728/43-1-S, dated the 3rd May 1943 and requesting to obtain and send a resolution of the Council relinquishing the area proposed to be resumed in T.S.No.339/A1 of Kadri 'A' village as the previous resolution No.39 dated the 24th August 1942 of the Council does not read like relinquishment.

The Council unconditionally relinquishes the area of

The Assistant Secretary, (Settlemen
Board of Revenu..

Sir,

I am suffering from frequent attacks of rheumatic pain on my knee joints since a month and a half. I fear that it may get worse if prompt treatment is not made Therefore I request that I may be granted six weeks leave on average pay from the 15th August for the purpose of going to Malabar and undergoing ~~native~~ treatment.

Moreover, I have got some long delayed domestic matters to settle with my uncle at home. For this purpose I requested for one month's leave in June last year; but it was not granted. I humbly request that this application of mine may be considered more sympathatically and the leave requested for may be granted to me.

I beg to remain,

Sir

Your most obedient Servant.

Triplicane,
3rd August '37.

T.M. Narayanan Nambisan
3.8.37
'M' Section

73 cents of land out of T.S.No.339/A1 of Kadri 'A' village mentioned in its resolution No.39 dated the 24th August 1942 for resumption by Government for purposes of re-assignment to Manager, Vidyabodhini Higher Elementary School, Kadri.

x x x

Sd.S.Hoosein Saheb,
Chairman, M.C.

(True Extract)

Municipal Office, Managalore.)
Dated the 26th May 1943.)

Sd. x x x
Commissioner

(True Extract)

Encl.2.

Extract from the proceedings of the Managalore Municipal Council, dated the 24th August 1942.

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39. Council's resolution No.48 dated the 29th June 1942 referring to a committee petition dated the 16th May 1942 from the Manager, Kadri Vidyabodhini H.E. School requesting to relinquish the plot T.S.No.339/A1B of Kadri village in favour of the petitioner for the purpose of constructing a school building and play-ground and the Committee's report recommending the assignment of the plot of about 73 cents demarcated on the plan subject to the condition that it shall not be transferred or alienated by the Society and if it ceases to be used for the purpose for which it is intended the grant will be resumed and petition dated the 31st July 1942 from the residents of Kadri and Bendur objecting to the assignment of the plot applied for for reasons stated.

Proposed by Sri M.R.Bhat, seconded by Dr.K.Vittal Schetty and supported by Dr.H.V.Adappa, Sri M.Madhava Rao that the Committee's report be accepted.

Mr.M.S.Sreshata opposed the resolution - when the resolution was put to vote it was carried by a majority of 11 against 1.

x x

Sd. B.Venkatarao Baliga.
Chairman, M.C.

(True Extract)

Muncipal Office, Managalore) Sd. x x x
Dated the 29th August 1942) Commissioner Delegate.

(True Extract)

III.

Copy of letter from the Collector of South Kanara, Ref. C.No.7544/42-B.3, dated the 15th March 1944.

Alienation - Land and Revenue - Managalore town-Kadri 'A' village - T.S.No.339/A1B2 - Vidya Bodhini H.E. School - Resumption - Resolution of the Mangalore Municipal Council - Submitted.

Board's Refce.E.728/43-3, dated 6-10-1943.

The resolution of the Mangalore Municipal Council agreeing on the resumption of 0.81 cents of lands in T.S.No.339/A1B of Kadri 'A' village, Managalore town, called for in the Board's Reference quoted above, is enclosed.

2. As the Municipal Council is prepared to use the remaining portion of S.No.339/A1B for recreation purposes, it need not be resumed.

To the Secretary, Board of Revenue

Sir,

I have not yet recovered from my illness and am still getting frequent fever I also feel giddy at times and am extremely weak. I am advised to have rest and undergo treatment for two months I request I may be granted an extension of leave on average pay on medical certificate for two months with effect from 4-8-37. I enclose a medical certificate

I beg to remain
Sir
Your most obed.t Servant.

K Gopalachari
30.7.37
Senior Supr. Bd. of Rev
(on leave)

E.
tcd/30-7-37
Pharam
Egambak...
Madras

[Encl. one]

Extract from the proceedings of the Mangalore Municipal Council, dated the 6th March 1944.

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x x

6. Read Collector's letter Ref.C.No.7544/42 B.3, dated the 3rd February 1944 on Council's resolution No.14 dated the 6th December 1943.

Proposed by Sri A.Shanker Alva, and seconded by Sri M. Ramachandra Pai :-

"That the Council's resolution under reference does not apply to the portion already relinquished but applies only to the remaining land. The council agrees to the 81 cents of land in T.S.No.339 A1B of Kadri 'A' village being resumed but requests that the remaining portion be allowed to be retained for a recreation ground for the public, for which purpose it is being used and the council is willing to effect any improvements that may be suggested by the Collector.

Mr.C.L.Lobo opposed the resolution on the ground that no portion of the entire plot should be resumed since the whole ground is necessary for public recreation purposes in view of the general expansion of the town and the recent extension of limits on Kadri side in particular.

After some discussion the resolution was put to vote and declared carried by a majority of 11 against 7.

x x x

Sd. H.Hoosien Saheb,
Chairman, M.C.

(True Extract)

Municipal Office, Mangalore)
Dated the 10th March 1944.)

Sd. x x x
Commissioner

IV.

Copy of letter from the Collector of South Kanara, Ref.C.No. 7544/42 -B.3, dated the 27th March 1944.

Alienation - Land and land revenue - (South Kanara) - Mangalore xx taluk and town - Kadri 'A' village - T.S.No.339/ A1 B2 - Vidya Bodhini H.E. School - Proposals.

Board's Ref.E.No.728/43-4, dated 16-3-44.

The resolution of the Mangalore Municipal Council dated 6-3-44 , agreeing to the resumption of 81 cents of land in T.S. 339/A1B of Kadri 'A' village called for in Board's Ref.728/43-3, dated 6-10-43 was submitted to the Board with this office Ref.C. No.7544/42 B.3, dated 15-3-44. The resolution of the Council was passed by a majority of 11 votes to 9 and the proposed alienation for the school will not in any way affect public interests. The remaining portion of T.S. No.339/A1B is enough for recreation purposes. The note of dissent of Mr.Shresta does not deserve any serious consideration

2. The latter of Mr. Shresta with its enclosures is resubmitted herewith.

Reference.

At the instance of the Collector of South Kanara the Board recommends the alienation of the plot of land comprised in S.No.339/A1B2 of Kadri 'A' village, Mangalore town and taluk measuring Ac.0.81 (35,284 sq.ft.) in favour of the South Indian Arya Pratinidhi Sabha for use as the site of a school, building, garden and playground of the Vidhya Bhodini Higher

Statement No. III

Statement showing the progress of work preliminary to the introduction of resettlement in the district of Kurnool for the month of June 1937.

Serial Number.	Particulars.	Kurnool 85 Villages		Nandikotkur 87 Villages		Nandyal 73 Villages		Sirvel 86 Villages		Dhone 43 Villages		Total 374 Villages		Remarks
		Completed		Completed		Completed		Completed		Completed		Completed.		
		For the month	Upto the month	For the month	Upto the month	For the month	Upto the month	For the month	Upto the month	For the month	Upto the month	For the month	Upto the month	
		3.	4	5.	6	7	8	9	10	11	12	13	14	
	I Stages already Completed													
	II. Stages.													
1	General Check of the entries of the various classes of lands for their Correct exhibition in their new A register.		85		87		73		86		43		374	
2	Scrutiny of the Check Memos etc already prepared in the I Stages.		85		87		73		86		n.s.		374	
3	Miscellaneous Correction in their new A register as per recent orders (deletion of R in Col. 3) for assessed													

Elementary School, Mangalore as noted below*.

School	Sq.ft.
building.	5472
Garden	1200
Play ground	28612
	35284

2. In G.O.No.1450, Revenue, dated 12-7-1932, T.S.339/A1B of Kadri village, Mangalore taluk and town, was alienated in favour of the Municipal Council, Mangalore for use as the site of a recreation ground. The land has not been used for that purpose for the last 10 years. A portion of this plot now denoted as 339/A1B2 is applied for, on alienation, by the Manager and correspondent Kadri Vidhya Bhodhini HigherElementary School, for school purposes. The school is conducted by the Arya Samaj, Mangalore, which is affiliated to the South India Arya Prathinidhi Sabha. The school is at present housed in a private building. The Sabha is a registered institution.

The Municipal Council, Mangalore, has relinquished the portion of the land applied for on alienation. Mr.M.S.Sreshta of Mangalore one of the Municipal Councillors has sent a copy of his minute of dissent from the resolution of the Municipal Council, dated 6-3-1944. The Collector reports that the note of dissent of Mr.Sreshta does not deserve any serious consideration. The application for alienation has been recommended by the Divisional Inspector of schools. The Collector states that the remaining extent of S.No.339/A1B now denoted as 339-A1B1 need not be resumed as the Municipal Council is prepared to use it for recreation purpose.

3. The alienation will be free of charge for the occupancy right and free of ground rent but subject to the following conditions to which the alienee has agreed:-

(1) The land shall be used as the site of a school building, gaden and playground of the Vidyabhodini Higher Elementary school, Mangalore, as noted below* and for no other purpose.

School	Sq.ft.	
building	5472	
Garden	1200	
Play ground	28612	
Total.	35284	sq.fr.

(2) The building shall be constructed and the garden and the playground laid out within a period of two years from the date of the grant

(3) No (other) building shall be constructed on the land without the previous permission of the Collector of the district.

(4) The school building shall be constructed in consultation with the District Educational Officer, South Kanara and after obtaining the previous approval of the Collector.

(5) The grantee shall maintain the building after construction in good condition. Such repairs as the Collector may consider necessary from time to time shall be executed by the grantee within such time as the Collector may fix and to his satisfaction. In the event of default, the repairs shall be carried out by the Collector and the cost thereof recovered from the grantee.

(6) The school shall be open to members of all classes including scheduled classes.

Nilgiris District

14 NOV 1936

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Payments for Services rendered.

veries from l bodies on nt of pay and vances of nment Staff loyed for Land quisition Work their behalf	Leave and other Contributions recovered from foreign employees.	Cattle pound recoveries	Other receipts	Total
	7 -	8	9	10
	800-6-0	—	179-5-4	1005-11-2
	131-12-0		~~134~~ 12	134-12-
	932-2-0	—	179-5-4	1140-7-

For Collector,

10
10-11-36
10
12-11-36

tary, to the Board of Revenue

(7) The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(8) The Government may resume the land wholly or in part with any buildings thereon if in the opinion of the Governmer the land is required for a public purpose, or for conducting mining operations. In the event of such resumption or in the event of the acquisition of theland for any reasons, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. T amount of any grant made by the Government towards the cost of th buildings or other improvements shall be deducted from the compen sation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(9) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or for works that mayhav been executed on theland by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

(10) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of the alienation are infringed. In the latter case, the land revenue shall be levied from the date of the infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

(11) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exis at the time of alienation as well as those which may grow subse-

subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(12) The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the carful protection of the immature trees growing on the land.

(13) The alienee shall take steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(14) In the event of the infringement of, or failure to observe any of the conditions (11) to (13) the alienee shall pay to the Government such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

T.R.Varamiban
15.5.45
for Secretary.

To the [illegible]

,, Secretary to Government, Revenue Department with alienation statements [illegible] and sketches to be returned [illegible]

Application for the alienation of land revenue payable to Government.

District - South Kanara.

1. Description and area.	T.S.No.339/A1B2 of 87 A Kadri village, Mangalore taluk, measuring 0.81 acres.
2(a). Annual ground-rent	Rs.9-2-0 at Rs.11-4-0 per acre.
(b) Capitalized value (25 times assessment or ground rent)	Rs. 228-2-0
3. Alienee and purpose of alienation.	South Indian Arya Pratinidhi Sabha. For use as the site of a school, playground and garden of the Vidhya Bhodhini Higher Elementary School.
Collector's remarks.	Recommended.

Application for the alienation of land in which the proprietary right belongs to the state.

District - South Kanara.

1. Description and area	T.S.No.339/A1B2 of No.87 A Kadri village in Mangalore Taluk, measuring 0.81 acres.
2. Market value.	Rs.3240/-.
3. Alienee and purpose of alienation.	South Indian Arya Pratinidhi Sabha. For use as the site of a school, playground and garden of the Vidhya Bhodini Higher Elementary School.
4. Collector s remarks.	Recommended.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying		
When copied		
When examined		
When signed		
When despatched.		

SUBJECT:— copy - Tirunelly - Swamina raghanatheram - B.P dated 20 [illegible] Sundaram M R Ry S.11 - Mdl - Granted

1A

1/11 C READ AGAIN Bdsrbe 1705-36-2, dated 17.4 19 36 Q

" " , " 19

READ *ALSO*:—

bisle No. 2605 From the , No. , dated 19

" " " " " " 19

" " " " " " 19

Order Ms. Resolution Rout. No. Enclt - E-1705-36 8/29-4-36, dated 19

Boards Consult

Vide attached pprs. A certified copy of [illegible] 59-60 dated 20.1.1848 is granted.

to M.R.Ry S.11. Sundaram Advocate Vandavasi Tirumalam with a certified copy as one issued already sent to him

pay to be credited in C.S. Madras

Dadha Asst to Board's Minutes 12.14

Received P. Labels for as.0.5c only

6.5.36.

6 24 36 29/4

29.4.36

M. S. SRESHTA,
BAR-AT-LAW.
Ex-M. L. C.
Member, District War Executive Committee.

INGLEDON,
KANKANADY P. O.,
MANGALORE.

B&C 2 SERVICES
11 MAR 1944
13 E 86
MADRAS

8th March 1944.

To

The Member of the Board of Revenue,
(Assignment of lands Dept.)
Board of Revenue,
Chepauk, Madras.

Sir,

I enclose a copy of my minute of dissent from a resolution passed by the Municipal Council at its meeting on the 6th inst. consenting to the assignment of a portion of the open space for recreation, etc. in Kadri, to a private school.

I request that for the reasons given by me in my dissent steps may be taken to prevent the assignment of alienation to a private school of the land in question which would be a public scandal and to transfer it to the appropriate poromboke to prevent any future attempt to alienate it.

I have the honour to be,
Sir,
Your most obedient servant

M. S. Sreshta

Minute

NOTE OF DISSENT

One of the items of the Agenda of the Municipal Council meeting held on Monday, 6th of March 1944, was in regard to the relinquishment of a plot of land in Kadri village for the purpose of constructing a building and a play-ground for a private school. The Council by a majority of 11 to 7 resolved that the plot be relinquished for that purpose. I dissented from a similar resolution, at the meeting of the Council held on 17th August 1942 and forwarded to the Chairman my dissent. My reasons for the dissenting from the resolution of 6th March 1944 include the reasons given by the former note of dissent, viz.,:-

> The plot in question forms part of the Kadri maidan which is one of the lungs of the town and must be maintained as an open space in the interests of the health and amenities of the town and for providing a play-ground for all the boys of the vicinity and a recreation ground for the general public. The policy in regard to Town Planning requires the reservation of lands as play and recreation grounds and places of resort for grown up people and also as parks. Frequently in the Council the question of providing play-grounds has been mooted and the policy of the Municipal Council should be to provide play-grounds and recreation properly levelled in different parts of the town and the policy should also be to provide parks at suitable centres. IT WOULD THEREFORE BE A SHORT-SIGHTED POLICY FOR THE COUNCIL TO DEPRIVE ITSELF OF OPEN SPACES WHICH CAN BE CONVERTED INTO SUITABLE PUBLIC PLAY-GROUNDS AND PATHS, ESPECIALLY AS SUCH SPACES ARE GETTING SCARCER EVERY YEAR AND WILL COST A VERY LARGE AMOUNT TO ACQUIRE.
>
> In fact, a similar request for the utilisation of a portion of the plot of the land in question for use as recreation ground has been refused by the Collector (vide his proceedings No.387-42 of 15-8-42) on the ground that such use would interfere with the amenities of the P.W.D. building

by depriving it of the necessary privacy. The same objection would apply to the assignment of 73 cents in question at present which also adjoins the P.W.D. building. The refusal referred to is an additional ground for reserving as a public play-ground, the land now sought to be alienated.

f I remember aright another request for alienation of a portion of this land made by a neighbour was refused by the Municipal Council. Old papers may be looked into. One ground urged for granting the request now made by the Manager of the Vidya Bodhini School is that part of the land asked for is not levelled but this is not a good reason for alienation. If the ground can be levelled by the school it can surely be levelled by the Municipality.

portion of this land is used as a market. The market will require more land in future to meet gradual expansion, even as the Kankanady market has gradually increased in size with the result that a part of the Kankanady maidan has had to be alienated for its use. If the requested alienation is granted and if at the same time the market is expanded there will be very little ground left as a g play-ground or recreation not to speak of a park.

think early steps might be taken to transfer the whole land in question to the appropriate pxx poromboke, if it is not already in such poromboke.

The following are additional reasons for my dissent

I understand that even when the P.W.D. bungalow was constructed, the public were averse to the site being given to the P.W.D. for the construction of the bungalow and that the Tahsildar obtained the consent of one of my informants by stating that no further assignment will be made of any portion of the land in question. The old records may be looked into to verify this. The fact that

the open space in question has not been used by the Municipality as a recreation ground is not a ground for assigning any portion of it to an individual or a group of individual

In his book on the "Civic Survey of Mangalore Municipality" (written in 1929 and published in 1930) Mr. Simham, Town Planning Expert, says at page 25 that the Central Maidan "is uneven with considerable falls in level from the South-east to the north-west, part of it only bein sufficiently level for field games. No shelters and seats have been provided. Only after agitation from the counci ors, etc. these drawbacks are being rectified, the hockey-ground being levelled only during the current year. Similarly, the Kadri Maidan can be improved and the omissio to improve it so far is the fault of the Municipality and t public should not be made to suffer for this fault. Mr.Sim ham says that there are three public recreation spaces in the town:- the Central Maidan and the reclaimed river frontage serving the Fort, Central, Market, Bolikatta and Cantonment wards, the Urva Maidan serving people of Kodiyal bail and some other wards. But according to the Town Planning principles there should be a larger number of oper recreation places. Since Mr. Simham's remarks were made, the Kankanady maidan has been levelled up for use as recreation place. This by the way is a very small maidan, inadequate even for the residents of the neighbourhood. This process of levelling up of open spaces must be continu ed if the standards borne in mind in England are to be adopted. Mr. Thomas Sharp, Lecturer in Town Planning at the Durham University says in his book work on Town Planning (Pelican series) at page 90:- "It is generally agreed that no part of a town should be more than half a mile from a recreation ground."

Mr. Gimham says in the book quoted above at page 25 that "Most of the houses and buildings, gardens are located in garden sites of their own and are detached." During the 15 years that have elapsed since that book was written, this happy state of things has greatly changed and houses are being constructed even in vacant spaces in the premises of existing houses. Owing to the large demand for houses opulation, buildings are springing up rapidly everywhere and it will be a mistake, if by reason of a shortsighted policy, open spaces are given up before the necessary provision for recreation, etc. are made and if later on lands have to be acquired at enormous cost for the purpose of providing recreation grounds.

The open space of which a portion is now sought to be relinquished is not very extensive after all. A part of it has already been given over for the P.W.D. bungalow which is a Government building. Another portion has been utilised for the Kadri market which has outgrown its site and to improve which by allotment of additional space and construction of more stalls have been budgetted for. I may also add that proposals have been made by me and also by others and provision has been made in next year's budget for the levelling up the whole land in question. The Municipality should endeavour to carry out these proposals instead of consenting to the diminution of the land available for recreation, park, market, etc.

It has been the Government policy to popularise the radio in Municipalities and other areas and already 5 radios have been applied for by the Mangalore Municipality. One of them will be certainly be at Kadri and a site for the Radio will have to be selected in the open space in question which

will have to be levelled up for the purpose. If the assignment asked for is made it will be difficult to get another suitable place for the Radio.

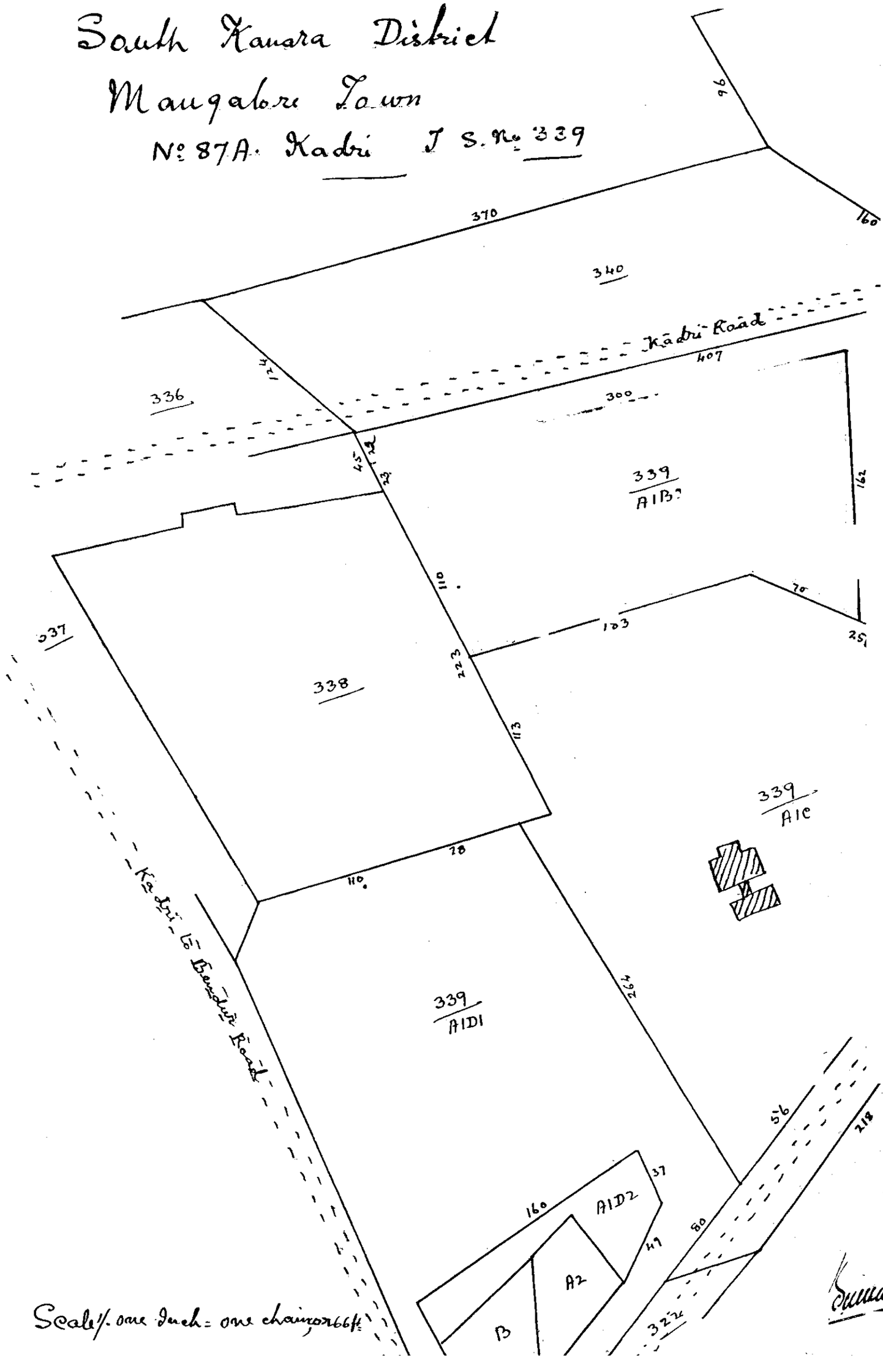
FOR ALL THESE REASONS I CONSIDER THAT THE ASSIGNMENT SOUGHT TO BE MADE WILL BE VERY PREJUDICIAL TO THE INTERESTS OF THE TOWN, AND WILL BE A PUBLIC SCANDAL.

I have been in the Council longer than any other member and I can say that the assignment would be contrar to the policy hitherto adopted in the Municipality barrin some recent departures from the policy, which, in my opinion, were wrong and should not be copied.

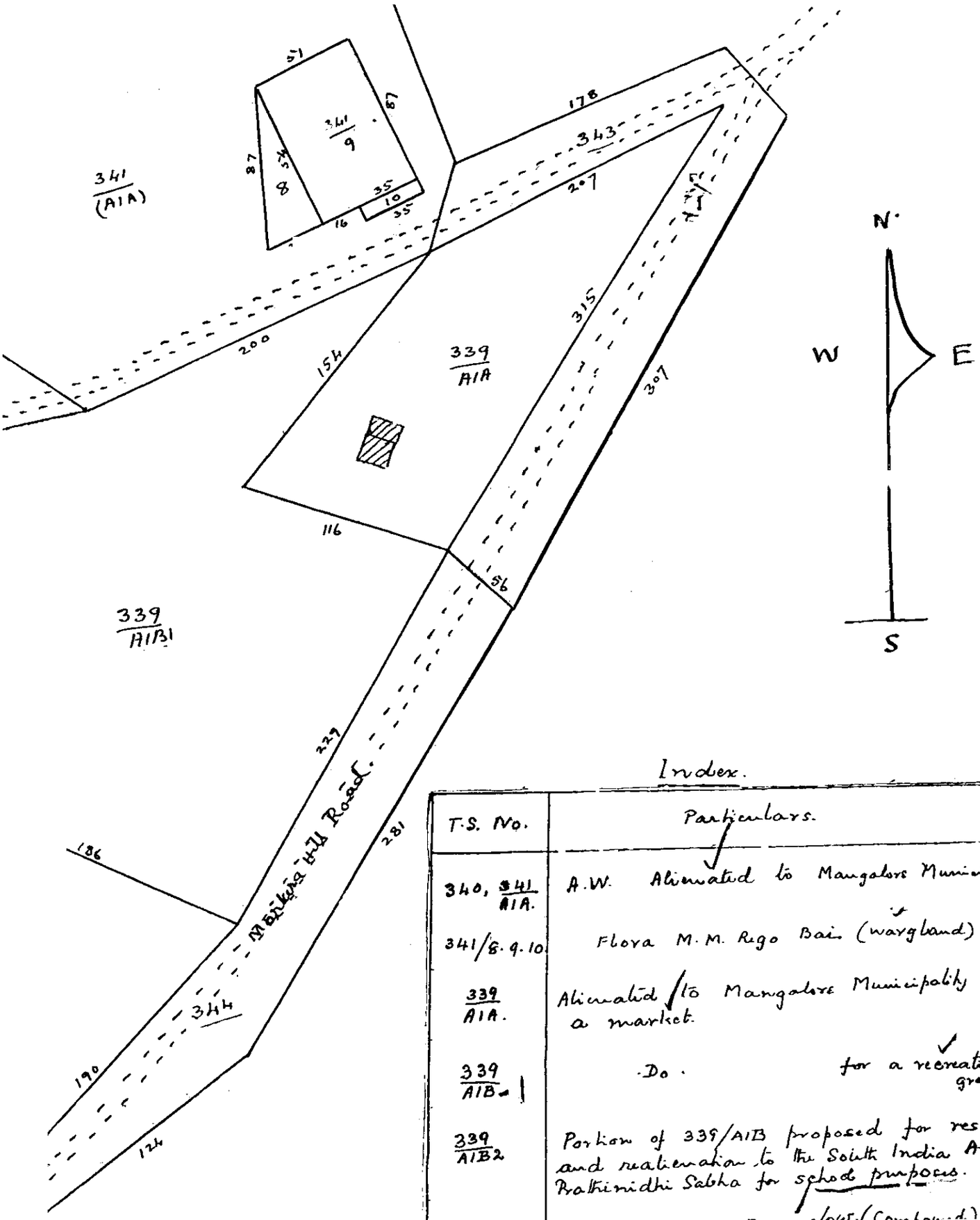
South Kanara District

Mangalore Town

No. 87A. Kadri T.S. No. 339



Scale ½ one inch = one chain or 66 ft.



Index.

T.S. No.	Particulars.
340, 341/A1A.	A.W. Alienated to Mangalore Municipality.
341/8.9.10.	Flora M.M. Rego Bai (warg land)
339/A1A.	Alienated to Mangalore Municipality for a market.
339/A1B.	Do. for a recreation ground.
339/A1B2	Portion of 339/A1B proposed for resumption and realienation to the South India Arya Prathimidhi Sabha for school purposes.
339/A1C.	A.W. - P.W.D. Bungalow (Compound)
339/A1D1.	Por. - P.W.D. Bungalow
339/B, A2, A1D2	.. K. A. Vittal. (warg land)
338	.. M. Shiva Rao .Do.
324, 343, 344, 336	Por. Road.

Rev. Sectt. 23—3,006—23-12-36.

10/9/6

GOVERNMENT OF MADRAS.

Received _____ 193 *Registered* _____ 193

KRV/9/6

Abstract.

CNO. 2036 Revn.

REVENUE DEPARTMENT.

D. No. Ms. 1167 **Dated the** 9.6.44

he following :— G.O.No. 1450 Rev. dated 12.7.32.

Read also :— From the Bd. of Rev. Ref. No. E. 728/43-5 dated 11.5.44

ORDER—

The Government sanction the alienation of the plot of land comprised in S.No. 339/A1B2 of Kadri 'A' village, Mangalore town and Taluk, South Kanara Dt. measuring Ac. 0.81 (35,284 Sq ft) in favour of the South Indian Arya Ra Balikadhi Sabha for use as the site of a school building, garden and playground of the Vidhya Bhodini Higher Elementary School Mangalore as noted in the margin ⊗.

⊗

	Sq ft.
School building	5472.
Garden	1200
Playground	28612
	35284 Sq ft

2. The alienation will be free of charge for the occupancy right and free of Grama Rent but subject to the following conditions :—

roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Govt. shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(12) The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the Sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(13) The alienee shall take steps to see that the marks made by the officers of the Govt. on the Sandalwood trees are preserved and are not tampered with; and

(14) In the event of the infringement of, or failure to observe any of the conditions (11) to (13) the alienee shall pay to the Govt. such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure or his part. The Govt. shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Govt. In that case the alienee shall not be entitled to any compensation whatever.

SECRETARY TO GOVERNMENT 12 JUN 1944 REVENUE DEPARTMENT

20811

22.5.44 25/5/44

Note:- The Coll. states that the alienee wants 3 years time for laying out a garden & playground. But the Bd. has recommended only 2 years time. (vide condition 2 on p. 9 c). The draft order may be sent to L.A., E&O.H & Fin. for acceptance.

To The Bd. of Rev.

LA/E&OH/1N.

LA Dept

Accepted 25/5/44

E&OH Dept(C).

Revd. 26 May 1944

Draft and Disp. of case may be accepted and passed on to Govt.

24.5.44

LOCAL ADMINISTRATION DEPT. 25 MAY 1944 13855

26.5.44

30.5.44

13855

Y finance

The draft order on pp 1-4 above may be accepted

RRN 7.6.44 Rau

RS

5/6/44 66 mm

Drive

RS

7/6/44

Fin. (O): 2066/6 Exp/A1

7.6.44

~~but subject to the following conditions~~:—

(1) The land shall be used as the site of a school building, ga and playground of the Vidyabhodini Higher Elementary Sch Mangalore as noted below in the margin①

and for no other purpose.

① School building 5472 Sq.ft. Garden 12000 Play ground 26612 35284 Sq.ft.

(2) The buildings shall be constructed ~~within from the date of the grant~~ and the play garden and playground laid out within a period of two years from the date of the grant.

(3) No other building shall be constructed on the land without the previous permission of the Collector of the district.

(4) The school building shall be Constructed in consultation with the Dist. Educational Officer, South Kanara and after obtaining the previous approval of the Collector

(5) The grantee shall maintain the building after construction in good condition. Such repairs as the Collector may consider necessary from time to time shall be executed by the grantee within such time as the Collector may fix and to his satisfaction. In the event of default, the repairs shall be carried out by the Collector and the cost thereof recovered from the grantee.

6) The school shall be open to members of all classes including scheduled classes.

B/29

to remove them when so directed the Govt or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials

(7) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them, and if the grantee refuses

(8) The Government may resume the land, wholly or in part, with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, t' compensation payable for the land and trees shall in no case exceed the amou paid for them by the grantee or their value at the time of resumption acquisition whichever may be less; and

~~In the event of resumption under condition if there are buildin on the land, the Government may, at their option, either—~~

~~(a) purchase the buildings, or~~

~~(b) direct the grantee to remove the buildings.~~

~~In the event of the resumption of the land followed by the purchase of t buildings under condition or in the event of the acquisition of the la for any reason,~~ the compensation payable for buildings or other improvemer shall in no case exceed the amount paid for them by the grantee at the ti of alienation or their value at the time of resumption or acquisition, whic ever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Govt. towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Govt. in respect of buildings constructed in contravention of condition 12 b

~~(9) In the event of the grantee refusing to remove the buildings, when so directed under condition the Government may remove them and realize the cost of the removal by the sale of the materials.~~

(9) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee ~~(and~~ the grantee shall ~~not~~ be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be ~~sent~~ less.

(10) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of the alienation are infringed. In ~~the~~ latter case, the land revenue shall be levied from the date of the infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

The Govt. reserve to themselves the right to all Sandalwood trees and the branches as

Finance

The draft order on pp 1-4 above may be accepted

RRW - Rau 7.6.44

RS

5/6/44 66 DSI

Secy 7/6/44

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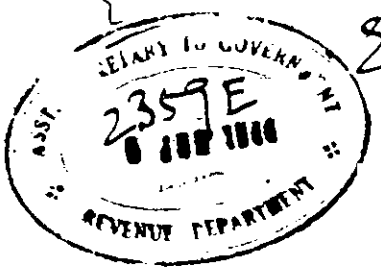
Fin. (O): 2886/6 Exp/A1

7.6.44



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